



March 10, 2022

Secretary Mike Kennealy
Undersecretary Jennifer Maddox
Executive Office of Housing and Economic Development
1 Ashburton Place, Room 2101
Boston, MA 02108

Dear Secretary Kennealy and Undersecretary Maddox:

As established by M.G.L. Chapter 23A: Section 66,¹ the Rural Policy Advisory Commission (RPAC) advocates for Massachusetts' rural communities.

RPAC offers the following comments on the impacts to rural communities from the MBTA Multi-Family Zoning draft guidelines, as promulgated by the Department of Housing and Community Development in January 2022. Of the 175 MBTA Communities established by the new rule, 41 (or 23%) are also rural communities, defined as municipalities with population densities of less than 500 people per square mile.

We start by iterating that we fully understand the need for additional housing in the Commonwealth of Massachusetts. There is an affordability crisis, and supply is simply not meeting demand. Rural communities do have a role to play in providing additional housing, and RPAC members do not want any of the towns that we serve in our respective regions to be cut off from sources of grant funding as a result of non-compliance that can assist in community development and enhance local quality of life. We hope here to suggest some changes to the draft guidance that are scaled to a rural context – advancing an alternate method for calculating minimum capacity requirement without the 750-unit floor and a well-resourced and adequately-paced planning process that will contribute to a higher likelihood of local compliance.

¹ *The RPAC was created by the legislature in 2015 and is governed under [M.G.L. Chapter 23A: Section 66](#). One of the designated roles of the RPAC is to advise the general court and the executive branch of the impact of existing and proposed state laws, policies and regulations on rural communities.*

There are three primary issues that we raise for consideration as part of the on-going draft guidelines review and comment period. We specifically request that:

1. DHCD re-examine the 750-unit floor, instead tailoring the “zone of reasonable size” by community so that the 10%, 15%, 20%, and 25%-unit capacity calculations are not exceeded for any community, but especially for communities classified as rural;
2. The state provide a dedicated funding pool for technical assistance around water and wastewater treatment provisioning for municipalities to access as they consider the siting of these zones and seek to ensure their location in areas that can absorb the environmental impacts of the types of water and sewer options that are necessary in the absence of public water and sewer infrastructure; and that
3. DHCD extend the timeline for compliance by six months to one year from their current proposed deadlines (except for the May 2nd Community Information form deadline).

First, the 750-unit capacity floor is a one-size-fits-all measure that requires rural communities to adopt zoning that represents far beyond the 10% - 25% housing unit capacity increases set for the four MTBA community types. The existence of the 750-unit floor seems to counter the spirit of these set thresholds, which we imagine were, in part, put in place so as not to cause an immediate and drastic jump in total housing units within a given community, but rather, an amount of housing that could reasonably be absorbed by current local conditions. The 750-unit floor puts an extra burden on rural communities by causing a steeper relative increase.

In all but 4 cases (Ipswich, Middleborough, Bourne and Holden), the rural communities governed by the MBTA rule have their minimum zone unit capacity determined by the 750-unit floor. In other words, 37 communities would have a lower zoning capacity requirement based on the formula for determining the capacity requirement alone in absence of the 750-unit floor. A 750-unit increase has a drastically different relative impact in expanding housing as compared to existing 2020 conditions across all 175 MBTA communities, but especially across the rural municipalities subject to the new rule. As seen in Figures 1 and 2 below, there are 15 towns where the 750-unit requirement increases overall housing by over 30%, and in three of these towns, by 50 to 70%. As we understand it, the 15-unit density is set in statute, but the size and consistence of the “zone of reasonable size” is a matter of interpretation. A variable approach to reasonable size by community so that the 10%, 15%, 20%, and 25%-unit capacity calculations are not exceeded may be more achievable in rural communities.

Second, there are significant concerns around the lack of water and sewer infrastructure in rural communities to serve the needs of additional housing. In many rural communities, there

are no existing public water or sewer systems into which a new 750-unit development could be tied. Developers will have to pursue options like drilling new wells and providing package wastewater treatment plants. Rural communities that want to comply with the new MBTA rule need substantial technical assistance in this area of expertise in order to accomplish a zoning district that can realistically and responsibly accommodate options like package treatment plants, particularly in nitrogen sensitive areas and areas draining to waterbodies with TMDLs.

Existing state resources released as part of the Smart Growth / Smart Energy Toolkit (in particular we are referencing a powerpoint presentation titled *Achieving Higher Density Development in Areas Without Sewer/Water Service*) address the issue of higher-density housing in rural areas, but not at a density of 15 units per acre. The highest-density case study presented is the Pinehills development in Plymouth, where a private sewage treatment plant enables densities of 8 units per acre - about half of the MBTA zone 15-unit per acre requirement. Additional and updated state guidance is needed. But beyond that, because each town has unique land characteristics, funding and a period of sufficient analysis should be made available for towns to work with knowledgeable engineering firms that can provide water and sewer expertise tailored to local circumstances and environmental conditions. This consideration is particularly important for MBTA Adjacent communities where the half-mile-to-transit requirement is not applicable and siting decisions are more open-ended. In some rural communities, the input of this expertise can lend confidence in siting the multi-family zone that may help to overcome reluctance at implementing this new requirement

Finally, the timeline for implementing the MBTA Zone is short, especially for rural communities. There are some significant technical issues to work through, and the current timeline for submitting an Action Plan by December of 2022 leaves scarce time for obtaining technical assistance and executing the analysis needed to site the new MBTA Zone in many rural communities. We would suggest pushing all deadlines by six months to one year's time (with the exception of the first May 2nd deadline for returning the Community Information form) to allow for a more thorough planning process that can result in a thoroughly vetted zone that will engender confidence when the new bylaw is taken up at Town Meeting.

Rural communities are balancing the MBTA Zoning requirement against other state-lead initiatives, including the Roadmap 2050 agenda, the forthcoming BioMap3, the forthcoming state Healthy Soils Action Plan, Food Security Plan, the forthcoming Resilient Lands Initiative, the Regional Food Assessments, State Agricultural Plan, Rural Policy Plan, and other local and regional plans that require state certification, such as open space and recreation plans. We hope that the state will continue to champion integrated planning, on all levels, achieving more housing in rural areas while also strengthening rural communities' ability to accomplish soil

conservation, carbon sequestration, floodplain preservation, aquifer and water quality protection, water supply management, habitat restoration, agricultural preservation, and enhanced food security, among others.

I am attaching a table and chart that identifies the adjacent municipalities that are defined as rural and the percent change in total households that could occur.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Dunlavy". The signature is written in a cursive style with a large initial "L".

Linda Dunlavy, Chair

Figure 1. Rural Town Capacity Requirements as a Percentage of Existing Housing

TOWN	MBTA Community Type	Housing Units 2020	Min Multi Family District Unit Capacity Requirement	Percent Change Represented by Capacity Requirement
LINCOLN	bus	2771	750	27%
IPSWICH	commuter rail	6476	971	15%
SHIRLEY	commuter rail	2599	750	29%
WESTMINSTER	commuter rail	3301	750	23%
NEWBURY	commuter rail	3072	750	24%
ROWLEY	commuter rail	2405	750	31%
HALIFAX	commuter rail	3107	750	24%
LAKEVILLE	commuter rail	4624	750	16%
MIDDLEBOROUGH	commuter rail	9808	1471	15%
BOURNE	MBTA adjacent	11140	1114	10%
HOLDEN	MBTA adjacent	7439	750	10%
LEICESTER	MBTA adjacent	4371	750	17%
PAXTON	MBTA adjacent	1689	750	44%
PRINCETON	MBTA adjacent	1383	750	54%
SUTTON	MBTA adjacent	3612	750	21%
UPTON	MBTA adjacent	2995	750	25%
BOXBOROUGH	MBTA adjacent	2362	750	32%
CARLISLE	MBTA adjacent	1897	750	40%
DOVER	MBTA adjacent	2046	750	37%
ESSEX	MBTA adjacent	1662	750	45%
SHERBORN	MBTA adjacent	1562	750	48%
STOW	MBTA adjacent	2770	750	27%
TOPSFIELD	MBTA adjacent	2358	750	32%
WRENTHAM	MBTA adjacent	4620	750	16%
ASHBURNHAM	MBTA adjacent	2730	750	27%
ASHBY	MBTA adjacent	1243	750	60%
GROTON	MBTA adjacent	4153	750	18%
HARVARD	MBTA adjacent	2251	750	33%
LANCASTER	MBTA adjacent	2788	750	27%
LUNENBURG	MBTA adjacent	4805	750	16%
STERLING	MBTA adjacent	3117	750	24%
TOWNSEND	MBTA adjacent	3566	750	21%
BOXFORD	MBTA adjacent	2818	750	27%
WEST NEWBURY	MBTA adjacent	1740	750	43%
PLYMPTON	MBTA adjacent	1068	750	70%
WEST BRIDGEWATER	MBTA adjacent	2898	750	26%
BERKLEY	MBTA adjacent	2360	750	32%
CARVER	MBTA adjacent	4701	750	16%
FREETOWN	MBTA adjacent	3485	750	22%
REHOBOTH	MBTA adjacent	4611	750	16%
ROCHESTER	MBTA adjacent	2105	750	36%

Figure 2. Rural Communities subject to MBTA Rule

